

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RICHARD WILCOXON

Plaintiff,

v.

RED CLAY CONSOLIDATED SCHOOL  
DISTRICT BOARD OF EDUCATION  
and JANAY FREEBERY,


Defendants.

)  
)  
)  
) C.A. No. 05-00524 - KAJ  
)  
) TRIAL BY JURY DEMANDED  
)  
)  
)  
)

MOTION TO DISMISS AND/OR  
FOR JUDGMENT ON THE PLEADINGS

Defendants, by and through their undersigned counsel, hereby move to dismiss and/or for judgment on the pleadings on Counts III, IV, V, and VI of Plaintiff's Complaint for reasons more fully set forth in Defendants' Supporting Brief to be filed in accordance with the Stipulation for briefing of this Motion.

YOUNG CONAWAY STARGATT & TAYLOR, LLP

  
\_\_\_\_\_  
Barry M. Willoughby, Esquire (No. 1016)  
Michael P. Stafford, Esquire (No. 4461)  
The Brandywine Building  
1000 West Street, 17th Floor  
P.O. Box 391  
Wilmington, Delaware 19899-0391  
(302) 571-6666; (302) 576-3345  
[bwilloughby@ycst.com](mailto:bwilloughby@ycst.com); [mstafford@ycst.com](mailto:mstafford@ycst.com)  
Attorneys for Defendants


Dated: September 15, 2005

CERTIFICATE OF SERVICE

I hereby certify that on September <sup>h</sup>15, 2005, I electronically filed a true and correct copy of the foregoing Motion to Dismiss And/Or For Judgment On the Pleadings, with the Clerk of the Court using CM/ECF, and further caused a copy of same to be served by first class mail on the following counsel of record:

Jeffrey K. Martin, Esquire  
Timothy Wilson, Esquire  
Margolis Edelstein  
1509 Gilpin Avenue  
Wilmington, DE 19801

YOUNG CONAWAY STARGATT & TAYLOR, LLP

  
\_\_\_\_\_  
Barry M. Willoughby, Esquire (No. 1016)  
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